



SEMINOLE COUNTY
PUBLIC SCHOOLS

Educational Support Center
400 E. Lake Mary Boulevard
Sanford, Florida 32773-7127

Patrick Fletcher
Director
Information Services

Tuesday, August 14, 2012

Docket 02-6

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Reference USAC decision dated June 26, 2012
Form 471 Application Number 805456
Billed Entity Number (BEN) 127671
Billed Entity FCC RN: 0012318051
Funding Commitment Decision Letter (Attached)

To Whom It May Concern:

Entity & BEN#	Seminole County Public Schools 127671
Contact Person	Carol Andrews
Contact Information	450 Technology Park, Lake Mary Florida 32746
Phone Number	407 320 0128 Fax # 407 320 0279
Email	carol_andrews@scps.k12.fl.us
Service Provider	BellSouth Telecommunications, LLC (AT&T)
SPIN #	143004824
Funding Year	2011 (07/01/2011 – 06/30/2012)
Application Type	Form 471 Application 805456
FRN	2184071
Appeal Reason	FCDL denied for 28 day rule violation

Appeal Explanation:

While under selective review with USAC which finally ended in June 2012, it was determined that we did not wait a full 28 days on this 470, before we filed our 471 and went in to contract.

(excerpts from FCR dated 06/26/2012,)

“28 Day Waiting Vio”)

”The referenced RFP was not available for 28 days after the filing of the FCC Form 470”. (note the 470 was filed on 02/17/2012) The bid posted on February 16, 2012.

“Program rules require applicants to wait for at least 28 days after releasing an RFP before selecting a service provider, signing a contract or submitting an FCC Form 471”

Received & Inspected

AUG 21 2012

FCC Mail Room

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PUBLIC SCHOOLS

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Appeal Explanation: (continued)

During the Selective Review, it was determined that the RFP/RFB went live on 02/16/2012 and closed on March 15, 2012. All of our bids are posted on our website (www.scps.k12.fl.us) as well as with demand star (www.demandstar.com)

The bid closed on March 15th, however the 471 was not filed until March 18th (See attached certifications) USAC said that we were in violation of the 28 day rule, when in actuality the Form 471 was not officially filed until March 18th per their own system.

The bid was available prior and during the Form 470 posting. The bid was stopped on March 15th, however the Form 470 remained in effect until the Form 471 was filed on March 18th. If one counts the actual days, from and including February 16th to March 15th, then you have exactly 28 days. That is 13 days in February and 15 days in March for the RFP. The Form 470 remained in effect at least 2 more days until the Form 471 was posted on March 18th.

Selective reviewer asked if anyone had filed after the 15th, and we provided an email from our Purchasing Director which showed in fact one vendor TW Telecom that did produce a bid packet, as best can determine that was filed on March 17th. I have attached his email.

I have included the following attachments for your consideration in this matter:

Copy of the Funding Commitment Decision Letter dated June 26, 2012
Copy of the Certification from the USAC website showing the filing date
Copy of the certification automated reply from USAC
Copy of the email from my Purchasing Director, Barry Boyer

In conclusion, I would like you to accept this documentation and reconsider USAC's decision to deny this funding request. Since this had occurred we have made our purchasing department more aware of the circumstances and deadlines set forth by USAC and FCC.

Thank you for your time and attention to this matter.

Sincerely,

Carol Andrews
Seminole County Public Schools
ERATE Contact



Universal Service Administrative Company

Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2011: 07/01/2011 - 06/30/2012)

June 26, 2012

Carol Andrews
SEMINOLE COUNTY SCHOOL DIST
450 Technology Parkway
Lake Mary, FL 32746-0000

Re: Form 471 Application Number: 805456
Billed Entity Number (BEN): 127671
Billed Entity FCC RN: 0012318051
Applicant's Form Identifier: 0318471InternetSvc

Thank you for your Funding Year 2011 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$32,400.00 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 805456 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2011," AND
 - The exact text or the decision that you are appealing.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sd

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
 Schools and Libraries Division - Correspondence Unit
 30 Lanidex Plaza West
 PO Box 685
 Parsippany, NJ 07054-0685

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
 Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: SEMINOLE COUNTY SCHOOL DIST
BEN: 127671
Funding Year: 2011

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 805456
Funding Request Number: 2184071
Funding Status: Not Funded
Category of Service: Internet Access
Form 470 Application Number: 436720000877170
SPIN: 143004824
Service Provider Name: BellSouth Telecommunications, LLC
Contract Number: 10110051B
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2011
Service End Date: N/A
Contract Award Date: 03/17/2011
Contract Expiration Date: 06/30/2012
Shared Worksheet Number: 1343790
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$54,000.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$54,000.00
Discount Percentage Approved by the USAC: 60%
Funding Commitment Decision: \$0.00 - Selective - 28 Day Waiting Vio
Funding Commitment Decision Explanation: DR1: The referenced RFP was not available for 28 days after the filing of the FCC Form 470. Program rules require applicants to wait at least 28 days after releasing an RFP before selecting a service provider, signing a contract, or submitting an FCC Form 471.
FCDL Date: 06/26/2012
Wave Number: 050
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013
Consultant Name:
Consultant Number (CRN):
Consultant Employer:

FCC Form 471

Services Ordered and Certification Form



Applicant's Form Identifier: 0318471InternetSvc

Entity Number: 127671

Contact Person: Carol Andrews

Phone Number: (407) 320-0128

Block 6: Certifications and Signature

Message from webpage



The form has been successfully certified. Your cert ID is: 752396. Please print this page for your records.

OK

471 Application Number: 805456

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are:
(Check one or both.)

a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or

b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to, elementary, secondary schools, colleges, or universities.

25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the

Zimbra

carol_andrews@scps.k12.fl.us

± Font size -

PROD : Form Certified using PIN

From : sldnoreply@solixinc.com

Fri, Mar 18, 2011 10:18 AM

Subject : PROD : Form Certified using PIN**To :** carol andrews <carol_andrews@scps.us>

This is to notify you that the Form 471 # 805456 has been been e-Certified using your PIN . DO NOT REPLY TO THIS E-MAIL. THIS EMAIL BOX IS UNMONITORED. IF YOU HAVE ANY QUESTIONS CALL THE CLIENT SERVICE BUREAU AT 888-203-8100.

*New Internet Service
Via 470 Bid AT/A Award*

Zimbra

carol_andrews@scps.k12.fl.us

Bid #10110051B Internet Services

From : Barry Boyer, C.P.M., Director, Purchasing & Distribution Services
<barry_boyer@scps.k12.fl.us>

Tue, Apr 24, 2012 01:44 PM

Subject : Bid #10110051B Internet Services

To : Carol Andrews <carol_andrews@scps.k12.fl.us>

Carol,

We received a bid from TW Telecom after the bid opening due date and time. As our procedure dictates, the bid was returned to the vendor unopened on March 17, 2011.

Barry Boyer, C.P.M.
Director, Purchasing & Distribution Services

[Florida has a very broad Public Records Law. Virtually all written communications to or from School District Personnel are public records available to the public and media upon request. E-mail sent or received on the School District system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State Law.]
